

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

THEODORE STREATERS §
v. § CIVIL ACTION NO. 9:011v68
RICK THALER, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON PLAINTIFF'S MOTIONS FOR INJUNCTIVE RELIEF

The Plaintiff Theodore Streater filed this lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Streater's lawsuit concerns claims that he has been wrongly billed by the TDCJ inmate phone system for calls which are dropped, and that he suffered retaliation after complaining about this. He has filed two separate motions seeking a temporary restraining order and a preliminary injunction.

The Magistrate Judge issued a Report on January 23, 2012, recommending that the motion for a temporary restraining order be denied. On January 31, 2012, the Magistrate Judge issued a Report recommending that the motion for a preliminary injunction be denied. Streater received copies of these Reports on January 26 and February 6, 2012, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in the case as well as the Reports of the Magistrate Judge. Upon such review, the Court has determined that the Reports of the Magistrate Judge are correct. It is accordingly

ORDERED that the Reports of the Magistrate Judge (docket no.'s 32 and 37) are hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for a temporary restraining order (docket no. 12) and motion for a preliminary injunction (docket no. 29) are hereby DENIED.

So ORDERED and SIGNED this 7 day of March, 2012.



Ron Clark, United States District Judge